

108TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_ introduced the following bill; which was read twice and  
referred to the Committee on \_\_\_\_\_

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## **A BILL**

To provide for the security of commercial nuclear power  
plants and facilities designated by the Nuclear Regu-  
latory Commission.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Nuclear Infrastructure  
5       Security Act of 2003”.

6       **SEC. 2. DEFINITIONS.**

7       Section 11 of the Atomic Energy Act of 1954 (42  
8       U.S.C. 2014) is amended—

9               (1) by redesignating subsection jj. as subsection  
10       ii.; and

1 (2) by adding at the end the following:

2 “jj. DESIGNATED NUCLEAR FACILITY.—The term  
3 ‘designated nuclear facility’ means—

4 “(1) an operating commercial nuclear power  
5 plant; and

6 “(2) any other facility owned or operated by a  
7 licensee or certificate holder that the Commission  
8 determines should be included within the meaning of  
9 the term.

10 “kk. PRIVATE SECURITY FORCE.—The term ‘private  
11 security force’, with respect to a designated nuclear facil-  
12 ity, means personnel hired or contracted by the licensee  
13 or certificate holder of the designated nuclear facility to  
14 provide security at the designated nuclear facility.”.

15 **SEC. 3. DESIGNATED NUCLEAR FACILITY SECURITY.**

16 (a) IN GENERAL.—Chapter 14 of the Atomic Energy  
17 Act of 1954 (42 U.S.C. 2201 et seq.) is amended by add-  
18 ing at the end the following:

19 **“SEC. 170C. PROTECTION OF DESIGNATED NUCLEAR FA-**  
20 **CILITIES.**

21 “(a) DEFINITIONS.—In this section:

22 “(1) CERTIFICATE HOLDER.—The term ‘certifi-  
23 cate holder’ means the holder of a certificate of com-  
24 pliance issued by the Commission.

1           “(2) FEDERAL SECURITY COORDINATOR.—The  
2           term ‘Federal security coordinator’ means the Fed-  
3           eral security coordinator assigned to a regional office  
4           of the Commission.

5           “(3) DESIGN BASIS THREAT.—The term ‘design  
6           basis threat’ means the threat components or capa-  
7           bility of an adversary against which a nuclear facil-  
8           ity is responsible for defending under regulations,  
9           orders, or other directives of the Commission.

10          “(4) LICENSEE.—The term ‘licensee’ means the  
11          holder of a license issued by the Commission.

12          “(b) SECURITY EXAMINATION.—

13                 “(1) IN GENERAL.—The Commission, in coordi-  
14                 nation with the Secretary of Homeland Security and  
15                 in consultation with other agencies and State and  
16                 local governments as appropriate, shall examine—

17                         “(A) classification of threats against des-  
18                         ignated nuclear facilities as—

19                                 “(i) a type of threat falling under the  
20                                 responsibilities of the Federal Government,  
21                                 including an act by an enemy of the  
22                                 United States, whether a foreign govern-  
23                                 ment or any other person;

1 “(ii) a type of threat falling under the  
2 responsibility of a State or local govern-  
3 ment; or

4 “(iii) a type of threat the defense  
5 against which the Commission determines  
6 should be the responsibility of a licensee or  
7 certificate holder;

8 “(B) coordination of Federal, State, and  
9 local security efforts to protect against terrorist  
10 or other criminal attacks at designated nuclear  
11 facilities;

12 “(C) the adequacy of planning to protect  
13 the public health and safety in the event of a  
14 terrorist attack against a designated nuclear fa-  
15 cility, including—

16 “(i) matters relating to the adequacy  
17 of emergency planning zones;

18 “(ii) matters relating to the adequacy  
19 and coordination of Federal, State, and  
20 local emergency planning and other meas-  
21 ures; and

22 “(iii) matters relating to the adequacy  
23 of security plans for designated nuclear fa-  
24 cilities;

1 “(D) the system of threat levels, consistent  
2 with the Homeland Security Advisory System  
3 used to categorize the threats pertinent to des-  
4 ignated nuclear facilities, including—

5 “(i) procedures to ensure coordinated  
6 Federal, State, and local responses to  
7 changing threat levels for designated nu-  
8 clear facilities;

9 “(ii) monitoring of threats against  
10 designated nuclear facilities; and

11 “(iii) procedures to notify licensees  
12 and certificate holders of a designated nu-  
13 clear facility of changes in threat levels;

14 “(E) the hiring and training standards for  
15 members of private security forces at des-  
16 ignated nuclear facilities;

17 “(F) the coordination of Federal resources  
18 to expedite and improve the process of con-  
19 ducting background checks under section 149;  
20 and

21 “(G) the creation by the Secretary of  
22 Homeland Security of a program to provide  
23 technical assistance and training for the Na-  
24 tional Guard, State law enforcement agencies,  
25 and local law enforcement agencies to respond,

1 as appropriate, to threats against a designated  
2 nuclear facility, including recommendations for  
3 the establishment of a grant program to assist  
4 State and local governments in carrying out any  
5 recommended actions under this section.

6 “(2) REPORT.—Not later than 1 year after  
7 completion of the security examination under para-  
8 graph (1), the Commission and the Secretary of  
9 Homeland Security shall submit to the President  
10 and Congress, in classified and unclassified form, a  
11 report with recommendations and findings.

12 “(c) REVISION OF DESIGN BASIS THREATS.—

13 “(1) IN GENERAL.—Not later than 180 days  
14 after completion of the security examination under  
15 subsection (b), the Commission shall by regulation  
16 revise the design basis threats promulgated before  
17 the date of enactment of this section as the Commis-  
18 sion determines to be appropriate based on the secu-  
19 rity examination.

20 “(2) PROTECTION OF SAFEGUARDS INFORMA-  
21 TION.—

22 “(A) IN GENERAL.—In promulgating any  
23 regulations under this subsection, the Commis-  
24 sion shall ensure protection of safeguards infor-

1           mation in accordance with section 147 and of  
2           classified national security information.

3           “(B) PROCEDURE.—Notwithstanding any  
4           requirement of chapter 5 of title 5, United  
5           States Code, or any other law, the Commission  
6           may conduct rulemaking under this subsection  
7           in a manner that fully protects safeguards in-  
8           formation and classified national security infor-  
9           mation.

10          “(d) THREAT LEVELS.—Not later than 150 days  
11       after the date of submission of the report under subsection  
12       (b)(2), the Commission shall establish a system for the  
13       determination of threat levels pertinent to—

14               “(1) designated nuclear facilities; and

15               “(2) materials designated by the Commission.

16          “(e) SECURITY PLANS.—

17               “(1) IN GENERAL.—Pursuant to any action  
18       taken by the Commission under subsection (c)(1) to  
19       revise a design basis threat, not later than 1 year  
20       after the date of the revision, the Commission shall  
21       require each licensee or certificate holder of a des-  
22       ignated nuclear facility to—

23                       “(A) revise the security plan to ensure that  
24           the designated nuclear facility protects against  
25           the appropriate design basis threats; and

1                   “(B) submit the security plan to the Com-  
2                   mission for review.

3                   “(2) REVIEW SCHEDULE.—The Commission  
4                   shall establish a priority schedule for conducting re-  
5                   views of security plans based on the proximity of the  
6                   designated nuclear facility to large population areas.

7                   “(3) UPGRADES TO SECURITY.—The Commis-  
8                   sion shall ensure that the licensee or certificate hold-  
9                   er of each designated nuclear facility makes any  
10                  changes to security and the security plan required  
11                  from the Commission review on a schedule estab-  
12                  lished by the Commission, but not to exceed 18  
13                  months after completion of the review.

14                  “(f) EMERGENCY RESPONSE PLANS.—

15                  “(1) IN GENERAL.—Not later than 21 months  
16                  after the date of enactment of this section, the Com-  
17                  mission shall review, in consultation with the Sec-  
18                  retary of Homeland Security and, as appropriate,  
19                  State and local governments, the emergency re-  
20                  sponse plans for each designated nuclear facility to  
21                  ensure that each emergency response plan provides  
22                  for protection of persons in the emergency response  
23                  planning zone.

24                  “(2) ASPECTS OF REVIEW.—The Commission  
25                  shall ensure that each emergency response plan pro-

1       vides, as appropriate to the type of designated nu-  
2       clear facility, for—

3               “(A) the protection of public health and  
4               safety, including the ability to implement pro-  
5               tective measures;

6               “(B) clear definition and assignment of re-  
7               sponsibilities of emergency response personnel;

8               “(C) notification procedures;

9               “(D) communication and coordination  
10              among emergency response personnel;

11              “(E) dissemination of information to the  
12              public, both prior to, and in the event of, a ra-  
13              diological emergency;

14              “(F) adequate emergency facilities and  
15              equipment at and around the designated nu-  
16              clear facility;

17              “(G) the use of methods, systems, and  
18              equipment for assessing and monitoring actual  
19              or potential impacts of an emergency;

20              “(H) a range of protective actions for the  
21              public;

22              “(I) means for controlling radiological ex-  
23              posures and other hazardous exposures for  
24              emergency response personnel;

1           “(J) appropriate medical services for con-  
2           taminated individuals;

3           “(K) general plans for recovery and re-  
4           entry; and

5           “(L) radiological emergency response  
6           training.

7           “(3) SCHEDULE.—The Commission shall estab-  
8           lish a priority schedule for conducting reviews of  
9           emergency response plans for designated nuclear fa-  
10          cilities based on the proximity of such facilities to  
11          large population areas.

12          “(4) UPGRADES TO EMERGENCY RESPONSE  
13          PLAN.—The Commission shall ensure that the li-  
14          censee or certificate holder of each designated nu-  
15          clear facility revises, as necessary, the emergency re-  
16          sponse plan for review by the Commission on a  
17          schedule established by the Commission.

18          “(g) TRAINING PROGRAM.—

19               “(1) IN GENERAL.—Not later than 1 year after  
20               submission of the report under subsection (b)(2), the  
21               President shall establish, based on and consistent  
22               with the findings and recommendations contained in  
23               the report submitted under subsection (b)(2), a pro-  
24               gram to provide technical assistance and training for  
25               the National Guard and State and local law enforce-

1       ment agencies in responding to threats against a  
2       designated nuclear facility.

3               “(2) GRANTS.—The President may provide  
4       grants to State and local governments to assist in  
5       carrying out this section.

6               “(3) AUTHORIZATION OF APPROPRIATIONS.—  
7       There are authorized to be appropriated such sums  
8       as are necessary to carry out this subsection.

9               “(h) EMPLOYEE SECURITY.—

10              “(1) REVIEW.—Not later than 180 days after  
11       the date of enactment of this section, the Commis-  
12       sion shall review and update as appropriate the ac-  
13       cess and training standards for employees of a des-  
14       ignated nuclear facility.

15              “(2) DISQUALIFICATION OF INDIVIDUALS WHO  
16       PRESENT NATIONAL SECURITY RISKS.—The Com-  
17       mission shall establish qualifications and procedures,  
18       in addition to fingerprinting for criminal history  
19       record checks conducted under section 149, to en-  
20       sure that no individual who presents a threat to na-  
21       tional security is employed at a designated nuclear  
22       facility.

23              “(i) FEDERAL SECURITY COORDINATORS.—

24              “(1) REGIONAL OFFICES.—Not later than 180  
25       days after the date of enactment of this section, the

1 Commission shall assign a Federal security coordi-  
2 nator, under the employment of the Commission, to  
3 each region of the Commission.

4 “(2) RESPONSIBILITIES.—The Federal security  
5 coordinator shall be responsible for—

6 “(A) communicating with the Commission  
7 and other Federal, State, and local authorities  
8 concerning threats, including threats against a  
9 designated nuclear facility;

10 “(B) ensuring that a designated nuclear  
11 facility maintains security consistent with the  
12 security plan in accordance with the appro-  
13 priate threat level; and

14 “(C) assisting in the coordination of secu-  
15 rity measures among—

16 “(i) the private security force at a  
17 designated nuclear facility; and

18 “(ii) Federal, State, and local authori-  
19 ties, as appropriate.

20 “(j) CLASSIFIED INFORMATION.—Nothing in this  
21 section supersedes any law (including a regulation) gov-  
22 erning the disclosure of classified information or safe-  
23 guards information.”.

1 (b) FINGERPRINTING FOR CRIMINAL HISTORY  
2 RECORD CHECKS.—Section 149 of the Atomic Energy Act  
3 of 1954 (42 U.S.C. 2169) is amended—

4 (1) in subsection a.—

5 (A) by striking “a. The Nuclear” and all  
6 that follows through “section 147.” and insert-  
7 ing the following:

8 “a. IN GENERAL.—

9 “(1) REQUIREMENTS.—The Commission shall  
10 require—

11 “(A) each licensee, certificate holder, or  
12 applicant for a license or certificate to operate  
13 a utilization facility under section 103 or  
14 104(b); and

15 “(B) each licensee or applicant for a li-  
16 cense to possess or use radioactive material or  
17 other property subject to regulation by the  
18 Commission that the Commission determines to  
19 be of such significance to the public health and  
20 safety or the common defense and security as  
21 to warrant fingerprinting and background  
22 checks;

23 to fingerprint each individual who is permitted  
24 unescorted access to the facility, radioactive mate-

1       rial, or other property or is permitted access to safe-  
2       guards information under section 147.”;

3               (B) by striking “All fingerprints” and in-  
4       serting the following:

5               “(2) SUBMISSION TO THE ATTORNEY GEN-  
6       ERAL.—All fingerprints”;

7               (C) by striking “The costs” and inserting  
8       the following;

9               “(3) COSTS.—The costs”;

10              (D) by striking “Notwithstanding” and in-  
11       serting the following:

12              “(4) PROVISION TO LICENSEE, CERTIFICATE  
13       HOLDER, OR APPLICANT.—Notwithstanding”; and

14              (E) by striking “licensee or applicant”  
15       each place it appears and inserting “licensee,  
16       certificate holder, or applicant for a license or  
17       certificate”;

18              (2) in subsection c., by striking “, subject to  
19       public notice and comment, regulations” and insert-  
20       ing “requirements”;

21              (3) by redesignating subsection d. as subsection  
22       e.; and

23              (4) by inserting after subsection c. the fol-  
24       lowing:

1       “d. USE OF OTHER BIOMETRIC METHODS.—Any re-  
2       quirement for a person to conduct fingerprinting under  
3       this section may be satisfied by using any other biometric  
4       method used for identification by the Attorney General.”.

5       **SEC. 4. OFFICE OF NUCLEAR SECURITY AND INCIDENT RE-**  
6                                   **SPONSE.**

7       (a) IN GENERAL.—Title II of the Energy Reorga-  
8       nization Act of 1974 (42 U.S.C. 5841 et seq.) is amended  
9       by adding at the end the following:

10      **“SEC. 212. OFFICE OF NUCLEAR SECURITY AND INCIDENT**  
11                                   **RESPONSE.**

12      “(a) DEFINITIONS.—In this section:

13              “(1) CERTIFICATE HOLDER.—The term ‘certifi-  
14              cate holder’ has the meaning given the term in sec-  
15              tion 170C(a) of the Atomic Energy Act of 1954.

16              “(2) DESIGNATED NUCLEAR FACILITY.—The  
17              term ‘designated nuclear facility’ has the meaning  
18              given the term in section 11 of the Atomic Energy  
19              Act of 1954 (42 U.S.C. 2014).

20              “(3) DIRECTOR.—The term ‘Director’ means  
21              the Director of Nuclear Security and Incident Re-  
22              sponse appointed under subsection (c) to head the  
23              Office.

1           “(4) LICENSEE.—The term ‘licensee’ has the  
2           meaning given the term in section 170C(a) of the  
3           Atomic Energy Act of 1954.

4           “(5) OFFICE.—The term ‘Office’ means the Of-  
5           fice of Nuclear Security and Incident Response es-  
6           tablished by subsection (b).

7           “(b) ESTABLISHMENT OF OFFICE.—There is estab-  
8           lished in the Commission the Office of Nuclear Security  
9           and Incident Response.

10          “(c) DIRECTOR.—

11           “(1) APPOINTMENT.—The Commission may ap-  
12           point and remove from office a Director of Nuclear  
13           Security and Incident Response.

14           “(2) DUTIES.—

15           “(A) IN GENERAL.—The Director shall  
16           perform such functions as the Commission dele-  
17           gates to the Director.

18           “(B) FUNCTIONS.—The functions dele-  
19           gated to the Director may include—

20                   “(i) carrying out security, safeguards,  
21                   and incident responses relating to—

22                           “(I) any facility owned or oper-  
23                           ated by a Commission licensee or cer-  
24                           tificate holder;

1 “(II) any property owned or in  
2 the possession of a licensee or certifi-  
3 cate holder that—

4 “(aa) is significant to the  
5 common defense and security; or

6 “(bb) is being transported to  
7 or from a facility described in  
8 clause (i); and

9 (III) any other activity of a li-  
10 censee or certificate holder, subject to  
11 the requirements of the Atomic En-  
12 ergy Act of 1954 (42 U.S.C. 2011 et  
13 seq.), that is significant to the com-  
14 mon defense and security;

15 “(ii) for a facility or material licensed  
16 or certified under the Atomic Energy Act  
17 of 1954 (42 U.S.C. 2011 et seq)—

18 “(I) developing contingency plans  
19 for dealing with threats, thefts, and  
20 sabotage; and

21 “(II) monitoring, reviewing, and  
22 evaluating security and safeguards;

23 “(iii) recommending upgrades to in-  
24 ternal accounting systems for special nu-  
25 clear and other materials licensed or cer-

1                   tified under the Atomic Energy Act of  
2                   1954 (42 U.S.C. 2011 et seq.); and

3                   “(iv) developing and recommending  
4                   standards and amendments to the stand-  
5                   ards of the Commission relating to the du-  
6                   ties described in clauses (i) through (iii);  
7                   and

8                   “(E) carrying out any other safeguards  
9                   and physical security functions and incident re-  
10                  sponse functions that the Commission deter-  
11                  mines to be appropriate.

12                  “(3) CONSULTATION.—In carrying out the du-  
13                  ties under paragraph (2), the Director shall, to the  
14                  extent practicable, consult and coordinate with other  
15                  Federal agencies.

16                  “(d) SECURITY RESPONSE EVALUATIONS.—

17                  “(1) IN GENERAL.—Not later than 1 year after  
18                  the date of enactment of this section, the Commis-  
19                  sion shall establish a security response evaluation  
20                  program to assess the ability of each designated nu-  
21                  clear facility to defend against threats in accordance  
22                  with the security plan for the designated nuclear fa-  
23                  cility.

24                  “(2) FREQUENCY OF EVALUATIONS.—Not less  
25                  than once every 3 years, the Commission shall con-

1       duct and document security response evaluations at  
2       each designated nuclear facility to assess the ability  
3       of the private security force of the designated nu-  
4       clear facility to defend against applicable design  
5       basis threats.

6               “(3) SECURITY EXEMPTION.—The Commission  
7       may suspend activities under this section if the Com-  
8       mission determines that the security response eval-  
9       uations would compromise security at any des-  
10      ignated nuclear facility in accordance with a height-  
11      ened threat level.

12              “(4) ACTIVITIES.—The security response eval-  
13      uation shall include force-on-force exercises that sim-  
14      ulate the security threats consistent with the design  
15      basis threats applicable to the designated nuclear fa-  
16      cility.

17              “(5) PERFORMANCE CRITERIA.—The Commis-  
18      sion shall establish performance criteria for judging  
19      the security response evaluations.

20              “(6) CORRECTIVE ACTION.—

21                      “(A) IN GENERAL.—When any of the per-  
22      formance criteria established under paragraph  
23      (5) are not satisfied—

24                              “(i) the licensee or certificate holder  
25      shall promptly correct any defects in per-

1 formance identified by the Commission in  
2 the security response evaluation; and

3 “(ii) the Commission shall conduct an  
4 additional security response evaluation  
5 within 9 months to confirm that the li-  
6 censee or certificate holder satisfies the  
7 performance criteria established under  
8 paragraph (5).

9 “(B) 2 CONSECUTIVE FAILURES TO SAT-  
10 ISFY PERFORMANCE CRITERIA.—

11 “(i) IN GENERAL.—If a designated  
12 nuclear facility fails to satisfy the perform-  
13 ance criteria established under paragraph  
14 (5) in 2 consecutive security response eval-  
15 uations, the Commission shall issue an  
16 order specifying the corrective actions that  
17 must be taken by the licensee or certificate  
18 holder of the designated nuclear facility.

19 “(ii) FAILURE TO TAKE CORRECTIVE  
20 ACTION.—If the licensee or certificate hold-  
21 er of a designated nuclear facility does not  
22 take the corrective action specified by the  
23 Commission within 30 days after the date  
24 of issuance of an order under clause (i),  
25 and the Commission determines that the

1 failure could compromise public health and  
2 safety, the Commission shall assess a civil  
3 penalty under section 234 of the Atomic  
4 Energy Act of 1954 (42 U.S.C. 2282).

5 “(C) EFFECT.—Nothing in this paragraph  
6 limits any enforcement authority of the Com-  
7 mission to take action in response to defi-  
8 ciencies identified through security evaluations.

9 “(7) REPORTS.—Not less often than once every  
10 year, the Commission shall submit to Congress and  
11 the President a report, in classified form and unclas-  
12 sified form, that describes the results of each secu-  
13 rity response evaluation under this paragraph for  
14 the previous year.

15 “(e) EMERGENCY RESPONSE EXERCISES.—

16 “(1) IN GENERAL.—Not less than once every 2  
17 years, the Commission, in coordination with the Sec-  
18 retary of Homeland Security shall observe and  
19 evaluate emergency response exercises to assess the  
20 ability of Federal, State, and local emergency re-  
21 sponse agencies and emergency response personnel  
22 of a licensee or certificate holder to respond to a ra-  
23 diological emergency at the designated nuclear facil-  
24 ity in accordance with the emergency response plans.

1           “(2) ACTIVITIES.—In carrying out their func-  
2           tions under paragraph (1), the Commission and the  
3           Secretary of Homeland Security shall evaluate—

4                   “(A) the response capabilities, response  
5                   times, and coordination and communication ca-  
6                   pabilities of the response personnel; and

7                   “(B) the effectiveness and adequacy of  
8                   emergency response and the ability to take pro-  
9                   tective actions.

10           “(3) PLANS.—The Commission shall ensure  
11           that the emergency response plan for a designated  
12           nuclear facility is revised to correct for any defi-  
13           ciencies identified by an evaluation under this sub-  
14           section.

15           “(4) REPORTS.—Not less than once every year,  
16           the Commission shall submit to the President and  
17           Congress a report, in classified form and unclassified  
18           form, that describes—

19                   “(A) the results of each emergency re-  
20                   sponse exercise under this subsection conducted  
21                   in the previous year; and

22                   “(B) each revision of an emergency re-  
23                   sponse plan made under paragraph (3) for the  
24                   previous year that is substantive in nature.

1       “(f) EFFECT.—Nothing in this section limits any au-  
2   thority of the Department of Energy relating to the secu-  
3   rity and safeguarding of special nuclear materials, high-  
4   level radioactive waste, and nuclear facilities resulting  
5   from all activities under the jurisdiction of the Depart-  
6   ment.”.

7       (b) CONFORMING AMENDMENTS.—Title II of the En-  
8   ergy Reorganization Act of 1974 is amended—

9           (1) in section 203(b) (42 U.S.C. 5843(b))—

10               (A) in paragraph (1), by striking “licens-  
11               ing and regulation involving” and inserting “li-  
12               censing, regulation, and, except as otherwise  
13               provided under section 212, carrying out safety  
14               reviews, safeguards, and physical security of”;  
15               and

16               (B) in paragraph (2), by striking “and  
17               safeguards”; and

18           (2) in section 204(b) (42 U.S.C. 5844(b))—

19               (A) in paragraph (1)—

20                   (i) by striking “including” and insert-  
21                   ing “not including”; and

22                   (ii) by striking “and materials.” and  
23                   inserting “and materials, to the extent that  
24                   the safeguards and security functions are  
25                   delegated to the Office of Nuclear Security

1 and Incident Response under section  
2 212.”.

3 (B) in paragraph (2)—

4 (i) by striking “and safeguards”; and

5 (ii) by striking “, as amended,” and

6 all that follows through the period and in-

7 serting “(42 U.S.C. 2011 et seq.)”.

8 **SEC. 5. GUARDING OF NUCLEAR FACILITIES, EQUIPMENT,**  
9 **AND MATERIAL.**

10 (a) TRANSPORTING OF SHORT-BARRELED SHOTGUN  
11 OR RIFLE.—Section 922 of title 18, United States Code,  
12 is amended—

13 (1) in subsection (a)(4), by striking “or licensed  
14 collector,” and inserting the following: “licensed col-  
15 lector, or a licensee or certificate holder under title  
16 I of the Atomic Energy Act of 1954 (42 U.S.C.  
17 2011 et seq.), or an employee or contractor of such  
18 a licensee or certificate holder, that holds the license  
19 or certificate for the purpose of establishing and  
20 maintaining an on-site physical protection system  
21 and security organization required by Federal law or  
22 for the purpose of licensee-authorized or certificate  
23 holder-authorized training or transportation of nu-  
24 clear material or equipment,”; and

25 (2) in subsection (o)(2)—

1 (A) in subparagraph (A), by striking “or”  
2 at the end;

3 (B) in subparagraph (B), by striking the  
4 period at the end and inserting “; or”; and

5 (C) by adding at the end the following:

6 “(C) a transfer to a licensee or certificate hold-  
7 er under title I of the Atomic Energy Act of 1954  
8 (42 U.S.C. 2011 et seq.) for purposes of establishing  
9 and maintaining an on-site physical protection sys-  
10 tem and security organization required by Federal  
11 law, or possession by an employee or contractor of  
12 the licensee or certificate holder on-site for such pur-  
13 poses or off-site for purposes of licensee-authorized  
14 or certificate holder-authorized training or transpor-  
15 tation of nuclear materials or equipment.”.

16 (b) AUTHORIZATION FOR IMPORTATION OF FIREARM  
17 OR AMMUNITION.—Section 925(d)(1) of title 18, United  
18 States Code, is amended—

19 (1) by inserting “(A)” before “is being”; and

20 (2) by inserting after the semicolon the fol-  
21 lowing: “or

22 “(B) is being imported or brought in for trans-  
23 fer to a licensee or certificate holder under title I of  
24 the Atomic Energy Act of 1954 (42 U.S.C. 2011 et  
25 seq.) for purposes of establishing and maintaining

1 an on-site physical protection system and security  
2 organization required by Federal law;”.

3 (c) INTERSTATE TRANSPORTATION OF FIREARMS.—  
4 Section 926A of title 18, United States Code, is  
5 amended—

6 (1) by striking “Notwithstanding” and insert-  
7 ing the following:

8 “(a) IN GENERAL.—Notwithstanding”; and

9 (2) by adding at the end the following:

10 “(b) LICENSEES AND CERTIFICATE HOLDERS OF  
11 THE NUCLEAR REGULATORY COMMISSION.—Notwith-  
12 standing any other provision of any law or any rule or  
13 regulation of a State or any political subdivision of a  
14 State, a licensee or certificate holder under title I of the  
15 Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), or  
16 an employee or contractor of such a licensee or certificate  
17 holder, that is not otherwise prohibited by this chapter  
18 from transporting, shipping, receiving, or possessing a  
19 firearm shall be entitled to transport and possess a fire-  
20 arm for purposes of establishing and maintaining an on-  
21 site physical protection system and security organization  
22 required by Federal law, and for purposes of licensee-au-  
23 thorized or certificate holder-authorized training or trans-  
24 portation of nuclear material or equipment.”.

1 (d) IMPORTATION OF FIREARMS.—Section 5844 of  
2 the Internal Revenue Code of 1986 (26 U.S.C. 5844) is  
3 amended—

4 (1) in paragraph (2), by striking “or” at the  
5 end;

6 (2) in paragraph (3), by inserting “or” after  
7 the semicolon; and

8 (3) by inserting after paragraph (3) the fol-  
9 lowing:

10 “(4) a machinegun or short-barreled shotgun  
11 being imported or brought in for transfer to a li-  
12 censee or certificate holder under title I of the Atom-  
13 ic Energy Act of 1954 (42 U.S.C. 2011 et seq.) for  
14 purposes of establishing and maintaining an on-site  
15 physical protection system and security organization  
16 required by Federal law;”

17 (e) SEMIAUTOMATIC ASSAULT WEAPONS; LARGE CA-  
18 PACITY AMMUNITION FEEDING DEVICES.—Section 922 of  
19 title 18, United States Code, is amended—

20 (1) in subsection (v)(4)(B)—

21 (A) by inserting “or certificate holder”  
22 after “licensee” each place that term appears;

23 (B) by inserting “or certificate holder-au-  
24 thorized” after “licensee-authorized”; and

1 (C) by inserting “or equipment” after  
2 “materials”; and  
3 (2) in subsection (w)(3)(B)—  
4 (A) by inserting “or certificate holder”  
5 after “licensee” each place that term appears;  
6 (B) by inserting “or certificate holder-au-  
7 thorized” after “licensee-authorized”; and  
8 (C) by inserting “or equipment” after  
9 “materials”.

10 **SEC. 6. TREATMENT OF ACCELERATOR-PRODUCED AND**  
11 **OTHER RADIOACTIVE MATERIAL AS BYPROD-**  
12 **UCT MATERIAL.**

13 (a) DEFINITION OF BYPRODUCT MATERIAL.—Sec-  
14 tion 11e. of the Atomic Energy Act of 1954 (42 U.S.C.  
15 2014(e)) is amended—

16 (1) by striking “means (1) any radioactive” and  
17 inserting “means—  
18 “(1) any radioactive”;  
19 (2) by striking “material, and (2) the tailings”  
20 and inserting “material;  
21 “(2) the tailings”; and  
22 (3) by striking “content.” and inserting “con-  
23 tent; and  
24 “(3)(A) any discrete source of radium-226; or  
25 “(B) any material that—

1           “(i) has been made radioactive by use of a  
2           particle accelerator; and

3           “(ii) is produced, extracted, or converted  
4           after extraction, before, on, or after the date of  
5           enactment of this paragraph, for use in a com-  
6           mercial, medical, or research activity; and

7           “(4) any discrete source of naturally occurring  
8           radioactive material, other than source material  
9           that—

10           “(A) the Nuclear Regulatory Commission  
11           determines (after consultation with the Admin-  
12           istrator of the Environmental Protection Agen-  
13           cy, the Secretary of Energy, the Secretary of  
14           Homeland Security, and the head of any other  
15           appropriate Federal agency), would pose a  
16           threat similar to that posed by a discrete source  
17           of radium-226 to the public health and safety  
18           or the common defense and security; and

19           “(B) before, on, or after the date of enact-  
20           ment of this paragraph, is extracted or con-  
21           verted after extraction, for use in a commercial,  
22           medical, or research activity.”.

23           (b) AGREEMENTS.—Section 274b. of the Atomic En-  
24           ergy Act of 1954 (42 U.S.C. 2021) is amended—

1 (1) by redesignating paragraphs (3) and (4) as  
2 paragraphs (5) and (6), respectively; and

3 (2) by inserting after paragraph (2) the fol-  
4 lowing:

5 “(3) byproduct materials (as defined in section  
6 11e.(3));

7 “(4) byproduct materials (as defined in section  
8 11e.(4));”.

9 (c) REGULATIONS.—

10 (1) IN GENERAL.—Not later than the effective  
11 date of this section, the Nuclear Regulatory Com-  
12 mission shall promulgate final regulations estab-  
13 lishing such requirements and standards as the  
14 Commission considers necessary for the acquisition,  
15 possession, transfer, use, or disposal of byproduct  
16 material (as defined in paragraphs (3) and (4) of  
17 section 11e. of the Atomic Energy Act of 1954 (as  
18 added by subsection (a))).

19 (2) COOPERATION.—The Commission shall co-  
20 operate with the States in formulating the regula-  
21 tions under paragraph (1).

22 (3) TRANSITION.—To ensure an orderly transi-  
23 tion of regulatory authority with respect to byprod-  
24 uct material as defined in paragraphs (3) and (4) of  
25 section 11e. of the Atomic Energy Act of 1954 (as

1 added by subsection (a)), not later than 180 days  
2 before the effective date of this section, the Nuclear  
3 Regulatory Commission shall prepare and provide  
4 public notice of a transition plan developed in co-  
5 ordination with States that—

6 (A) have not, before the effective date of  
7 this section, entered into an agreement with the  
8 Commission under section 274b. of the Atomic  
9 Energy Act of 1954 (42 U.S.C. 2021); or

10 (B) in the case of a State that has entered  
11 into such an agreement, has not, before the ef-  
12 fective date of this section, applied for an  
13 amendment to the agreement that would permit  
14 assumption by the State of regulatory responsi-  
15 bility for such byproduct material.

16 (d) EFFECTIVE DATE.—Except with respect to mat-  
17 ters that the Nuclear Regulatory Commission determines  
18 are required to be addressed earlier to protect the public  
19 health and safety or to promote the common defense and  
20 security, the amendments made by this section take effect  
21 on the date that is 4 years after the date of enactment  
22 of this Act.

1   **SEC. 7. UNAUTHORIZED INTRODUCTION OF DANGEROUS**  
2                   **WEAPONS.**

3           Section 229a. of the Atomic Energy Act of 1954 (42  
4   U.S.C. 2278a(a)) is amended in the first sentence by in-  
5   serting “or subject to the licensing authority of the Com-  
6   mission or to certification by the Commission under this  
7   Act or any other Act” before the period at the end.

8   **SEC. 8. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.**

9           Section 236a. of the Atomic Energy Act of 1954 (42  
10   U.S.C. 2284(a)) is amended—

11           (1) in the first sentence, by striking “or who in-  
12           tentionally and willfully attempts” and inserting “or  
13           who attempts or conspires”;

14           (2) in paragraph (2), by striking “storage facil-  
15           ity” and inserting “storage, treatment, or disposal  
16           facility”;

17           (3) in paragraph (3)—

18           (A) by striking “such a utilization facility”  
19           and inserting “a utilization facility licensed  
20           under this Act”; and

21           (B) by striking “or” at the end;

22           (4) in paragraph (4)—

23           (A) by striking “facility licensed” and in-  
24           serting “uranium conversion or nuclear fuel  
25           fabrication facility licensed or certified”; and

1 (B) by striking the period at the end and  
2 inserting a semicolon; and

3 (5) by inserting after paragraph (4) the fol-  
4 lowing:

5 “(5) any production, utilization, waste storage,  
6 waste treatment, waste disposal, uranium enrich-  
7 ment, or nuclear fuel fabrication facility subject to  
8 licensing or certification under this Act during con-  
9 struction of the facility, if the destruction or damage  
10 caused or attempted to be caused could adversely af-  
11 fect public health and safety during the operation of  
12 the facility;

13 “(6) any primary facility or backup facility  
14 from which a radiological emergency preparedness  
15 alert and warning system is activated; or

16 “(7) any radioactive material or other property  
17 subject to regulation by the Nuclear Regulatory  
18 Commission that, before the date of the offense, the  
19 Nuclear Regulatory Commission determines, by  
20 order or regulation published in the Federal Reg-  
21 ister, is of significance to the public health and safe-  
22 ty or to common defense and security;”.

1   **SEC. 9. EVALUATION OF ADEQUACY OF ENFORCEMENT**  
2                   **PROVISIONS.**

3           Not later than 90 days after the date of enactment  
4 of this Act, the Attorney General and the Nuclear Regu-  
5 latory Commission shall submit to Congress a report that  
6 assesses the adequacy of the criminal enforcement provi-  
7 sions in chapter 18 of the Atomic Energy Act of 1954  
8 (42 U.S.C. 221 et seq.).

9   **SEC. 10. PROTECTION OF WHISTLEBLOWERS.**

10          Section 211(a)(2) of the Energy Reorganization Act  
11 (42 U.S.C. 5851) is amended—

12               (1) in subparagraph (C), by striking “and” at  
13 the end;

14               (2) in subparagraph (D), by striking the period  
15 at the end and inserting “; and”; and

16               (3) by adding at the end the following:

17                       “(E) a contractor or subcontractor of the  
18 Commission.”.

19   **SEC. 11. TECHNICAL AND CONFORMING AMENDMENT.**

20          The table of contents of the Atomic Energy Act of  
21 1954 (42 U.S.C. prec. 2011) is amended by adding at the  
22 end of the items relating to chapter 14 the following:

          “SEC. 170B. Uranium supply.

          “SEC. 170C. Protection of designated nuclear facilities.”.

1   **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

2           (a) IN GENERAL.—There are authorized to be appro-  
3   priated such sums as are necessary to carry out the  
4   amendments made by this title.

5           (b) AGGREGATE AMOUNT OF CHARGES.—Section  
6   6101 of the Omnibus Budget Reconciliation Act of 1990  
7   (42 U.S.C. 2214(c)(2)(A)) is amended—

8                 (1) in clause (i), by striking “and” at the end;

9                 (2) in clause (ii), by striking the period and the  
10   end and inserting “; and” and

11                (3) by adding at the end the following:

12                         “(iii) amounts appropriated to the Com-  
13   mission for homeland security activities of the  
14   Commission for the fiscal year, except for the  
15   costs of fingerprinting and background checks  
16   required by section 149 of the Atomic Energy  
17   Act of 1954 (42 U.S.C. 2169) and the costs of  
18   conducting security inspections.”.